IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

Crl.MC.No. 3702 of 2006()

AGAINST THE ORDER IN CC.51/2005,52/2005 IN
CC.50/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT-V, TRIVANDRUM

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PETITIONER: 4TH ACCUSED

P.B.BOSE, S/O. BALAKRISHNAN,
PALLIPPATT HOUSE, THURAVOOR VILLAGE,
ALUVA TALUK, ERNAKULAM DISTRICT.

BY ADV. SRI.K.V.SABU

RESPONDENTS: COMPLAINANT & ACCUSED
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1. THE ASSISTANT COMMISSIONER OF POLICE,
CRIME DETACHMENT, THIRUVANANTHAPURAM CITY,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. SUNIL KUMAR, S/O. SUNDARESAN PILLAI,
PUTHENVEETTIL HOUSE, PUTHUKULAM VILLAGE,
SARADA MUKKU, KOLLAM.

3. AROMAL PILLAI, S/O. CHELLAPPAN PILLAI,
PADINJATTUVILA VEETTIL, PUTHUKULAM VILLAGE,
KOLLAM DISTRICT.

4. ABDUL SALAM, S/O. MUHAMMED KUNJU,
FATHIMA MANZIL, IRUMBA MURIYIL,
AZHEEKKODU, ARUVIKKARA VILLAGE.

5. BINU, S/O. VIDHYADHARAN,
SASTHAVATTOM HOUSE, PERUNGUZHI,
THIRUVANANTHAPURAM.

6. SHIBU, S/O. SIVAPRASAD,
PLAVIRAKUNNUVILA VEETTIL, CHIRAKKARA VILLAGE,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 11/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.NO.3702 OF 2006

Dated this the 11th day of November, 2006.

ORDER

The petitioner is the 4th accused in three different criminal cases. Accused 2, 3 & 4 in all the three cases are the same persons. The 1st accused in all the three cases are different individuals. The crux of the allegations is that forged documents were used by the 1st accused concerned. It is the case of the prosecution that accused 2 to 4 were involved in identical forgeries in respect of three different persons, ie. the 1st accused in the respective crimes. The petitioner made an application to try all the three cases together. Annexure-4 is the application for such joint trial. The application admittedly was opposed by the 1st accused in the concerned cases. The learned Magistrate by Annexure-A5 order came to the conclusion that the interests of justice did not demand that the three cases must be tried together. The proceedings are at different stages. The 1st accused in the three cases are not common. The allegations relate to forging of different documents altogether. All these reasons appear to have weighed with the learned Magistrate to pass Annexure-A1 order turning down the prayer of the petitioner for joint trial.

2. I find absolutely nothing wrong in the impugned order, which would justify this Court invoking the jurisdiction under Section

482 Cr.P.C. I take particular note of the fact that the precise offence of forgery alleged in the three cases are specific, distinct and different, though accused 2, 3 & 4 appear to have a role in the forgery of all the three documents. In these circumstances, I am certainly persuaded to agree that the impugned order-Annexure-A5 warrants or deserves interference for any reason.

3. This Crl.M.C is, in these circumstances, dismissed.

R.BASANT
JUDGE

rtr/